

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Behavior Care Specialists-Aberdeen**  
**Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Donna Huber, Team Leader; Chris Sargent and Angela Boddicker, Team Members

**Dates of On Site Visit:** April 17, 2012

**Date of Report:** May 2, 2012

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State Enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1.GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:16:05. Staff development component in school district's comprehensive plan.** The staff development section of each school district's comprehensive plan shall include information to demonstrate that:

- (1) All personnel necessary to carry out Part B of the Individuals with Disabilities Education Act within the jurisdiction of the district are appropriately and adequately prepared; and
- (2) District policies and procedures are consistent with the requirements of this chapter and the federal Elementary and Secondary Education Act, as amended to January 1, 2007. Each school district shall take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this article to children with disabilities.

### **Corrective Action:**

#### **Prong 1: Correct each individual case of noncompliance**

A certified Early Childhood Special Education Teacher was not available to provide or oversee the provision of special education services for two early childhood students served by the agency.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student files 4 and 5:</b> These two early childhood students are being served through Behavior Care Specialists (BCS), but the BCS teachers providing the services do not have an Early Childhood Special Education endorsement, nor are the resident school districts overseeing the provision of special education.	Behavior Care Specialists need to contract with an Early Childhood Special Education Teacher until which time at least one of the agency teachers obtains a South Dakota Early Childhood Special Education endorsement.	<ol style="list-style-type: none"><li>1. Name of Early Childhood Special Education teacher hired</li><li>2. Date of employment</li><li>3. Copy of certification</li></ol>

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:21:01. Local education agency comprehensive plans.** Contents. Each local education agency must have a current comprehensive plan approved by the school board on file with the district superintendent or designee. Documentation supporting the implementation of the local school district's comprehensive plan shall be maintained by the district for review by Special Education Programs staff during onsite monitoring visits. Districts shall update comprehensive plans consistent with § 24:05:21:01.02 and recertify their content annually.

### **Corrective Action:**

#### **Prong 1: Correct each individual case of noncompliance**

Behavior Care Specialists does not currently have a special education comprehensive plan in place.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
	The agency will develop and submit to the State Office of Special Education Programs for approval a special education comprehensive plan.	Approved special education comprehensive plan

## **2.GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:25:04. Evaluation procedures --General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
- (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general education curriculum
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
  - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
  - (b) Meet each of the student's other educational needs that result from the student's disability;
- (3) A statement of the special education and related services and supplementary aids and services,
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

**Corrective Action:**

**Prong 1: Correct each individual case of noncompliance**

The evaluation for one student was not sufficiently comprehensive to support the disability category/categories identified in the eligibility document and IEP.

Behavior Care Specialists had developed an IEP which did not address adequately all required components of the IEP.

<b>Student File 1:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<p>This student's IEP and eligibility document indicate student to be eligible under the disability category of 530 (510,515, and 540). There was no evidence in the file that the student was evaluated in the area of adaptive behavior, which is required to support the disability categories of 510 and 540. There was no evidence in the file that a Braille evaluation was administered to support the disability category of 540. There was also no evidence in the file that skill based assessments were completed.</p> <p>The student's IEP</p> <ol style="list-style-type: none"> <li>1) was not developed to address each of the student's disability areas and there was no explanation within the IEP as to why the IEP team decided not to address each area</li> <li>2) did not have all required content completed correctly</li> </ol>	<p>Behavior Care Specialists will need to revisit the evaluation/eligibility process to ensure a comprehensive evaluation is conducted to support each disability category and then document on the eligibility document all sources and scores used to determine the student's disability category/categories.</p> <p>The IEP team will then need to develop an IEP which addresses all required components of the IEP.</p>	<ol style="list-style-type: none"> <li>1) PN Consent for evaluation if after reviewing the current evaluation information the team decides further evaluation is required.</li> <li>2) PN for the meeting to determine eligibility and develop an IEP</li> <li>3) Copy of all reports, including skill based</li> <li>4) Eligibility document</li> <li>5) IEP</li> </ol>

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

- 1) Behavior Care Specialists will ensure all students within the program have the following:
  - a. A comprehensive evaluation to support the disability category/categories
  - b. The IEP is developed to address each area of disability
- 2) Behavior Care Specialists will ensure the agency has a certified Early Childhood Special education teacher overseeing the provision of education for students in the preschool category.

Behavior Care Specialists will submit the following to demonstrate the specific regulatory requirements:

- 1) A copy of each of the following for one student evaluated at BCS or transferring into the program:
  - a. PN Consent for evaluation
  - b. Eligibility document
  - c. Copy of all the reports
  - d. PN for eligibility meeting and IEP meeting
  - e. Copy of the IEP
- 2) Highly qualified Early Childhood Special Education Teacher
  - a. Name of Early Childhood Special Education Teacher hired
  - b. Date of employment
  - c. Copy of certification

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**